



# PUBLIC NOTICE

**Federal Communications Commission**  
**45 L Street NE**  
**Washington, DC 20554**

News Media Information 202-418-0500  
Internet: [www.fcc.gov](http://www.fcc.gov)  
TTY: 888-835-5322

**DA 21-1058**

**Released: August 27, 2021**

## **REQUEST FOR COMMENT AND PROCEDURES FOR OBTAINING CONFIDENTIAL STAGE 2 INFORMATION RELATED TO APPLICATION FOR REVIEW BY PUERTO RICO TELEPHONE COMPANY**

**WC Docket Nos. 18-143, 10-90**

**Oppositions Due Date: September 13, 2021**

**Replies to Oppositions Due Date: September 23, 2021**

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comments on the Application for Review filed by Puerto Rico Telephone Company, Inc. (PRTC) regarding the selection of Liberty Communications of Puerto Rico, Inc. (Liberty) as the winning applicant in certain municipios following the Stage 2 competitive process of the Bringing Puerto Rico Together Fund.<sup>1</sup> In addition, this Public Notice describes the process necessary for stakeholders to obtain access to highly confidential and confidential information provided in the Application for Review.<sup>2</sup>

For the Stage 2 competitive process, the Bureau required applicants to submit FCC Form 5634 along with other information demonstrating that the applicants were financially and technically qualified to meet the Commission's requirements to promote the deployment of advanced, hardened networks in Puerto Rico.<sup>3</sup> As directed by the Commission, the Bureau scored applicants' proposals based on a 270-point scale for (1) price; (2) network performance, including speed, latency, and usage allowance; and (3) resilience and redundancy.<sup>4</sup> The Bureau selected the applicant with the lowest overall score as the winning applicant for each municipio.<sup>5</sup>

Certain application information submitted by the parties as part of the Stage 2 competitive process may be relevant and material to the issues raised and constitute the record on which the Commission must evaluate PRTC's Application for Review. While we are mindful of the sensitive nature of some of the information involved, we are also mindful of the general right of affected applicants and stakeholders, and of our desire for such parties to meaningfully participate in this proceeding. We

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<sup>1</sup> "Bringing Puerto Rico Together" is the translation of "Uniendo a Puerto Rico."

<sup>2</sup> Application for Review by Puerto Rico Telephone Company, Inc., WC Docket No. 18-143 (filed Dec. 2, 2020).

<sup>3</sup> *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (2019) (*PR-USVI Stage 2 Order*); *Uniendo A Puerto Rico Fund and Connect USVI Fund Notice and Filing Requirements and Other Procedures for Stage 2 Fixed Competitive Proposal Process*, Public Notice, WC Docket Nos. 18-143, 10-90, 35 FCC Rcd 218, 220, 252-55, paras. 2, 124-34 (2020) (*Procedures Public Notice*).

<sup>4</sup> *PR-USVI Stage 2 Order*, 34 FCC Rcd at 9116-17, paras. 13-14; *Procedures Public Notice*, 35 FCC Rcd at 252-55, paras. 124-134.

<sup>5</sup> *PR-USVI Stage 2 Order*, 34 FCC Rcd at 9114, 9117, 9135, paras. 10, 14, 41; *Procedures Public Notice*, 35 FCC Rcd at 252-55, paras. 124-134.

therefore provide in the Protective Order and Acknowledgment of Confidentiality, which are concurrently released with this Public Notice, guidance regarding the procedure stakeholders must follow to seek access to highly confidential and confidential application information related to the Application for Review.

Interested parties may file an opposition to this Application for Review on or before **September 13, 2021**.<sup>6</sup> Replies to oppositions must be filed within 10 days after the opposition is filed, but no later than **September 23, 2021**.<sup>7</sup> Oppositions to the application for review must be served on the party seeking review and on parties to the proceeding.<sup>8</sup> Oppositions and replies that do not contain highly confidential or confidential information may be filed using the Commission's Electronic Comment Filing System (ECFS). However, oppositions to the Application for Review and replies that contain highly confidential or confidential information available pursuant to the Protective Order shall be served on the party seeking review and filed with the Commission in accordance with the procedures provided by the Protective Order.<sup>9</sup>

For further information, please contact Dangkhua Nguyen, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7865 or [Dangkhua.nguyen@fcc.gov](mailto:Dangkhua.nguyen@fcc.gov).

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<sup>6</sup> We find good cause to waive section 1.115(d)'s normal filing deadline requiring oppositions to be filed within 15 days after the application for review is filed. 47 CFR § 1.115(d). In this instance, on December 2, 2020, PRTC filed the Application for Review seeking confidential treatment and filed a copy of the Application for Review that was redacted in its entirety, preventing parties from reviewing the Application for Review and having the opportunity to submit comments or oppositions. Based on the re-filing of a copy of the Application for Review that is available for public inspection as of August 20, 2021, we conclude that the normal filing deadline requirements shall begin from the release of this Public Notice seeking comment on the Application for Review.

<sup>7</sup> 47 CFR § 1.115(d).

<sup>8</sup> 47 CFR § 1.115(f).

<sup>9</sup> *Protective Order* at 6-7, para. 13.